

## **Oregon CZARA Agriculture Technical Workgroup Meeting**

March 12 at 1 pm OR/WA or 4 pm MD/VA

Rob Walton's Notes

Jayne, Marty, Alan, Jenny, Rob with Judith Callens (ODA) and Kevin Fenn, ODA compliance lead for AWQMP

Kevin walked us through the PDF file he sent "Oregon Department of Agriculture Water Quality Program." March 12

ODA staff in PDF slide 2

- Water quality specialist ~ 20% of time spent on compliance;

- Review plans

- Work with local advisory committees

- Work with SWCD staff – work plans

- Focus area action plans

- Paul - Hydrologist: shared with CAFOs

AWQMA 1993 (SB1010)

- ODA to develop plans, rules, to prevent pollution, erosion, etc.

- 1995 revised: ODA lead to regulate farming for WQ; should write rules; should meet WQ standards set by EQC

First rules: Tualatin

1998 – first compliance cases

WQMPlans for regions see map – 38 areas

For each area – plan (voluntary) and rules (enforceable)

Slide 5 what is in the area plans

- Designated beneficial uses that are being adversely affected

- e.g Oregon mid coast – has designated beneficial uses.

- Every plan needs to say goal is to prevent polln, meet wq standards

Q: do area plans reflect TMDLs?

A: they tried to ... If there are TMDLs within a management area, the plan should include TMDLs ... try to meet allocations over time.

Q: do coastal plans reflect TMDLs?

A. They are trying to do within their management area plans – trying to get consistent format – template has specific info ...

Q: example of plans incorp TMDLs?

A: he'll ask Mike Powers

Slide 6

The components that areas plans have to have – see bullets

By statute – must develop ag WQ plan under certain circumstances

They have schedules for implementation

Slide 7

Geographically based rules are related to agriculture and water quality – say you can't place waste into waters of the state;

Local advisory committees – help develop area plans. Involved in biennial review process

SWCD = local management agency; implement tech, financial assistance.

Slide 8

Biennial review process – plans and rules. Many areas haven't done rulemaking since original plans

They review all enforcement actions in past 2 years and requests for alt measures (none yet). E.g. if producer wanted to provide alt measures, ...

The Reports are publically available...

Consult with ODEQ on adequacy of rules

ODA has an MOA with DEQ DEQ provides comments

The ODA reviews are available on line... Kevin to send us the link

Q: what is 'light review'?

A: in depth review caused huge workload; every other year was the minimum required by statute – so they tried issuing a summary of enforcement actions, etc. 12 months ago, ODA discontinued light reviews.

Working to develop measurable goals and milestones

No plans have been objected to...

They set measurable objectives at HUC 6 level; *id watershed (we should get the plans for the coast)* Eg achieve % streamside vegetation. E.g. if at start 50% of the HUCs are achieving WQSs, they could set a goal of 80% and lay out time line to achieve objectives...

Alan: Q: how does that objective translate to site specific projects?

Kevin A: assessments related to focus areas help districts target work to achieve milestones

*RW note: For coastal watersheds: ODA may try to address CZARA management measures and achieve outcomes... We should compare CZARA management measures and outcomes to AWQMA plans and rules*

Include in data collection:

SWCD: scope of work, management plan

Clarify what funds can be used for.

Min 25% funds ???

Some have tax base: Clackamas, East and West Multnomah , gives the SWCD more \$, expands type of work

*RW note: we should find out which coastal SWCDs have taxing authority.*

Mike Powers ODA and coda deshedda at DEQ

Our Indicators could include goals, metrics from other agencies.

Slide 10

Every area has a Focus area could be HUC 5 or 6 or ??

42 of focus areas – streamside vegetation. ODA has streamside vegetation assessment tool.

*RW note: we should ask which coastal SWCDs have used this or class 1,2,3 assessment indicator??*

WQ rules - Compliance: slide 12

1 gather info

2 follow up with landowner (LO)

3 have swcd come out – offer help

4 after site visit, ODA letter or in-field determination (letter of compliance – ok; or advisory – no violations but potential for some eg manure pile near channel; letter of warning – ODA documented violations; notice of non-compliance if no action. Legal document explains violation and corrective actions. Potential for civil penalties with correction actions

Q about civil penalties... see report monetary based on matrix – level of offense etc.

Penalties for each occurrence.

Q always go through these steps?

A. by statute, have to allow LO to receive notice – get letter or warning first; have sometimes go directly to notice of non compliance.

Alan Q:

A: The rules state that ag activities cannot prevent vegetation from developing. If no ag activities are occurring to prevent vegetation they are in compliance.

Passive: allow to re-establish on own (blackberries) or active restoration. Through rules, try to ensure compliance; in plans, try to encourage active restoration

See table of compliance investigations by year

Did not initiate prior to 2006 (complaints)

2006 initiated some investigations by staff observation

2014 first year with two strategic implementation areas

Some management areas with no complaints...

See 2014 compliance actions

11 civil penalties to date

Most of the time, LO will address the violation once they meet.

Slide 13 initiating investigations in 2014

ODA cannot take confidential or anon. complaints - some come in through DEQ.

Slide 14+

Two test SIAs

Slide 15 mill creek near the Dalles

See map black – no jurisdiction yellow – potential concern about tax lot

Veg, bare ground, manure plots public. Can use google earth to see if conditions have changed over time... try to use most up-to-date info, high res;

e.g. manure pile – look at potential for groundwater contamination.

Slides pre, post eval

Slide 16 mill creek – eval 315 parcels

They hold an open house at beginning – all LO s who had eval...

Letter or site visit... phased approach.

Mill: all those with significant and serious were worked out with SWCD to correct then then they become low or no concern.

Prioritizing all HUC 6 using 1) temperature, bacteria, nutrients, sediment, and 2) listed species or ODFW aquatic species of concern

ODA will make presentations to partners; making maps within next couple of weeks

Then select SIAs to work start July 1

*RW note: I'd like ODA to select on of the coast watersheds that is a pilot for our coho project*

Down to 1,000 that have ag and water; 20% highest scores = high priority

Working with partners to select areas

ODA will pick 6 to 12 for next round of Strategic Implementation Areas

Q: any in the coastal area?

A: he can't say yet. They split state. North and mid coast is one area. May depend on gov's priorities. It will be geographically based... 6 or 8 or 12; good chance of SIA somewhere on the coast.

RW to type up notes; send to all ...

Kevin compliance lead for program...